

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 5031

PERMIT 2670

LICENSE 2188

ORDER ALLOWING CHANGE IN POINTS OF DIVERSION

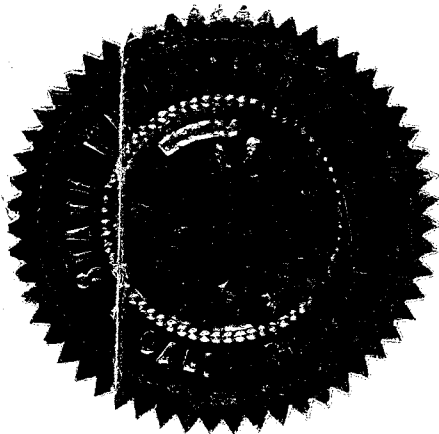
Licensees having established to the satisfaction of the State Water Rights Board that the change in points of diversion under Application 5031, Permit 2670, License 2188 for which petition was submitted on December 13, 1957 will not operate to the injury of any other legal user of water, the State Water Rights Board so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the points of diversion under said Application 5031, Permit 2670, License 2188 to points of diversion described as follows, to wit:

- (1) SOUTH SIXTY-NINE DEGREES FORTY MINUTES EAST (S69°40'E) SIX HUNDRED TWENTY-TWO (622) FEET FROM NE CORNER OF LOT 162 OF CARMICHAEL COLONY NO. 1, BEING WITHIN SW $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF PROJECTED SECTION 22, T9N, R6E, MDB&M.
- (2) SOUTH THIRTY-FIVE DEGREES, FIFTY-TWO MINUTES, THIRTY SECONDS EAST (S35°52'30"E) ONE THOUSAND SIX HUNDRED FIFTY-THREE AND FORTY HUNDREDTHS (1653.40) FEET FROM NE CORNER OF WALNUT HEIGHTS, CARMICHAEL COLONY AND BEING WITHIN SE $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF PROJECTED SECTION 27, T9N, R6E, MDB&M.

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 21st day of October, 1958

L. K. Hill
L. K. Hill
Executive Officer



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

ORDER

APPLICATION 5031

PERMIT 2670

LICENSE 2188

ORDER ALLOWING CHANGE IN POINTS OF DIVERSION

Licensees having established to the satisfaction of the State Engineer that change in points of diversion under Application 5031, Permit 2670, License 2188 which petition was submitted on September 14, 1951 will not operate to the injury of other legal user of water, the State Engineer so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change points of diversion under said Application 5031, Permit 2670, License 2188 to points of diversion described as follows, to wit:

- (1) SOUTH SIXTY-NINE DEGREES FORTY MINUTES EAST (S 69° 40' E) SIX HUNDRED TWENTY-TWO (622) FEET FROM THE CORNER COMMON TO LOTS 145, 162 AND 163 OF CARMICHAEL COLONY NO. 1, BEING WITHIN SW $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF PROJECTED SECTION 22, T 9 N, R 6 E, M.D.B.&M.
- (2) NORTH NINE HUNDRED (900) FEET AND EAST TWO THOUSAND SEVEN HUNDRED (2700) FEET FROM THE MOST EASTERLY CORNER OF LOT 210 OF CARMICHAEL COLONY NO. 1, BEING WITHIN NE $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF PROJECTED SECTION 27, T 9 N, R 6 E, M.D.B.&M.
- (3) SOUTH THREE HUNDRED (300) FEET AND EAST ONE THOUSAND FOUR HUNDRED FIFTY (1450) FEET FROM THE MOST EASTERLY CORNER OF LOT 210 OF CARMICHAEL COLONY NO. 1, BEING WITHIN SW $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF PROJECTED SECTION 27, T 9 N, R 6 E, M.D.B.&M.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 8th day of October 1951.



A. D. Edmonston
A. D. Edmonston
State Engineer

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5031

PERMIT 2670

LICENSE 2188

ORDER ALLOWING CHANGE IN POINTS OF DIVERSION

WHEREAS, License 2188 was issued to Charles W. Deterding, Jr., et al and was filed with the County Recorder of Sacramento County on March 25, 1941, and

WHEREAS, said license was subsequently assigned to the County of Sacramento, and

WHEREAS, the State Water Resources Control Board has found that the change in points of diversion under said license for which petition was submitted on May 25, 1970, will not operate to the injury of any other legal user of water, and

WHEREAS, the Board has approved and allowed said change and has directed that an order be issued to describe said points of diversion in accordance with said petition;

NOW, THEREFORE, IT IS ORDERED that permission be and the same is hereby granted to change the points of diversion under said License 2188 to points of diversion described as follows, to wit:

- (1) SOUTH 467.12 FEET AND EAST 2,620.33 FEET FROM NE CORNER OF LOT 7 OF WALNUT HEIGHTS, CARMICHAEL COLONY AND BEING WITHIN $SE\frac{1}{4}$ OF $NW\frac{1}{4}$ OF PROJECTED SECTION 27, T9N, R6E, MDB&M.
- (2) SOUTH 35°52'30" EAST 1,653.40 FEET FROM NE CORNER OF LOT 7 OF WALNUT HEIGHTS, CARMICHAEL COLONY AND BEING WITHIN $SE\frac{1}{4}$ OF $NW\frac{1}{4}$ OF PROJECTED SECTION 27, T9N, R6E, MDB&M.

Dated: SEP 3 1970

K. L. Woodward
K. L. Woodward, Chief
Division of Water Rights

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5031

PERMIT 2670

LICENSE 2188

ORDER DELETING POINT OF DIVERSION #2

WHEREAS:

1. License 2188 was issued to Chas. W. Deterding, Jr., J. R. Deterding and Mary Deterding McDonell and was filed with the County Recorder of Sacramento County on March 25, 1941.
2. License 2188 was subsequently assigned to County of Sacramento.
3. Orders allowing change in point of diversion were granted on 10/8/51, 10/21/58 and 9/3/70 and each has been filed with the County Recorder of Sacramento County.
4. Notice of the proposed deletion of P.O.D. #2 was sent to licensee by letter dated November 29, 1982. Licensee did not respond. The State Water Resources Control Board has determined that good cause for such change has been shown.
5. The Board has determined that the proposed change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of diversion under this license shall be as follows:
Diversion #1, as described in the license.

Dated: MARCH 31 1986


Lloyd Johnson, Interim Chief
Division of Water Rights

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STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water Notice of Assignment (Over)

LICENSE 2188 PERMIT 2670 APPLICATION 5031

THIS IS TO CERTIFY, That Chas. W. Deterding Jr., J. R. Deterding
and Mary Deterding McDonell
Sacramento, California

have made proof to the satisfaction of the Division
of Water Resources of California of a right to the use of the waters of American River in
Sacramento County

tributary of Sacramento River

for the purpose of irrigation use

under Permit 2670 of the Division of Water Resources and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources
and the terms of the said permit; that the priority of the right herein confirmed dates from
May 21, 1926;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed one and twenty-one

hundredths (1.21) cubic feet per second from about May 1 to about October 1 of
each season. In case of rotation the equivalent of such continuous flow al-
lowance for any thirty day period may be diverted in a shorter time, if there
be no interference with other vested rights.

The point ^s of diversion of such water are located (A) South sixty nine degrees forty
minutes East (S. 69° 40' E) six hundred twenty two (622) feet from the corner
common to Lots No. 145, 162 and 163 of that certain subdivision known and
designated as Carmichael Colony No. 1, and (B) South thirty six degrees twenty
six minutes West (S. 36° 26' W) seven hundred thirty (730) feet from the most
easterly corner of Lot 210, Carmichael Colony No. 1, both as shown on map filed
with the Division of Water Resources May 21, 1926, entitled "Map of the Property
of Mary A. Deterding"; point "A" being within the SW¹/₄ of NE¹/₄ of projected
Section 22, T. 9 N., R. 6 E., M.D.B. & M., and Point "B" being within the NE¹/₄
of SE¹/₄ of projected Section 28, T. 9 N., R. 6 E., M.D.B. & M.

*Amended by order
10-8-51*

A description of the lands or the place where such water is put to beneficial use is as follows:

10.3	acres within Projected NE ¹ / ₄ of SW ¹ / ₄ Projected Section 22, T.9N., R.6E., M.D.B. & M.
12.6	" " " " NW ¹ / ₄ of SW ¹ / ₄ " " " "
26.6	" " " " SE ¹ / ₄ of SW ¹ / ₄ " " " "
34.0	" " " " SW ¹ / ₄ of SW ¹ / ₄ " " " "
26.8	" " " " NE ¹ / ₄ of NW ¹ / ₄ " " " "
36.8	" " " " NW ¹ / ₄ of NW ¹ / ₄ " " " "
7.6	" " " " SE ¹ / ₄ of NW ¹ / ₄ " " " "
37.2	" " " " SW ¹ / ₄ of NW ¹ / ₄ " " " "
9.8	" " " " NW ¹ / ₄ of SW ¹ / ₄ " " " "
8.0	" " " " SE ¹ / ₄ of NE ¹ / ₄ " " " "
5.5	" " " " NE ¹ / ₄ of SE ¹ / ₄ " " " "
215.2 acres - Total	

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Division of Water Resources in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the Division of Water Resources.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of
diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes of 1913, as amended, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that at any time after the expiration of twenty years after the granting of a license, the state or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought to set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters shall not authorize the appropriation of any water for other than municipal purposes; and *provided, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and *provided, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and *provided, further*, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.



Witness my hand and the seal of the Department of Public Works of the State of California, this 13 day of March, 1941

EDWARD HYATT
State Engineer

By Harold Conkling
Deputy

2/14/41 RECEIVED NOTICE OF ASSIGNMENT TO Charles W. Deterding Jr.
J. R. Deterding & Mary Deterding McDonald

10/23/41 RECEIVED NOTICE OF ASSIGNMENT TO Charles W. Deterding Jr.
Salmon Falls

11/21/41 RECEIVED NOTICE OF ASSIGNMENT TO Charles W. Deterding Jr.
Margaret Deterding

2188

LICENSE

STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE

TO APPROPRIATE WATER

Chas. W. Deterding Jr.

J. R. Deterding

ISSUED TO Mary Deterding McDonald

March 13, 1941

DATED

L 2188

1-21-70 RECEIVED NOTICE OF ASSIGNMENT of interest of Charles W. Aeterding Jr.,
J. R. Aeterding, Mary Aeterding McDonnell & Margaret
Aeterding to County of Sacramento;

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